

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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DOMINIC V. DiMODICA,

Plaintiff,

v.

ROBERT MURPHY, KATHLEEN  
DENNEHY, and the MASSACHUSETTS  
DEPARTMENT OF CORRECTION,

Defendants.

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Civil Action No. 05-10286-PBS

**AFFIDAVIT OF ATTORNEY ERIN S. MARTINO SEEKING RELEASE OF COURT  
FUNDS FOR PAYMENT OF DR. PAUL D. ZEIZEL’S FEES**

ERIN S. MARTINO, deposes and says:

1. I am an attorney at the law firm of Seyfarth Shaw LLP and *pro bono* counsel for Plaintiff Dominic V. DiModica (“Plaintiff”) in the above civil matter.
2. During the course of this litigation, Plaintiff’s counsel retained the services of a forensic psychologist, Dr. Paul D. Zeizel, Psy.D. (“Dr. Zeizel”), in order to perform a psychodiagnostic evaluation and treatment plan for the Plaintiff.
3. At a previous Status Conference attended by Plaintiff’s former counsel, Jennifer A. Serafyn, the Court generously set aside funds in the amount of \$3,000.00 for the professional services of Dr. Zeizel.
4. Dr. Zeizel has reviewed extensive medical records, conferred with Plaintiff’s counsel, and met with Plaintiff twice at the Massachusetts Treatment Center.
5. Dr. Zeizel’s report titled “Brief Psychodiagnostic Evaluation” was filed with the Court on May 11, 2007.

6. Plaintiff's counsel anticipates that she will continue to retain Dr. Zeizel's services and seek his expertise to assist her in moving forward in this matter.
7. Attached hereto as Exhibit A is the invoice from Dr. Zeizel for services rendered up to September 6, 2007, in the amount of \$3,800.
8. Plaintiff's counsel respectfully asks the Court to release the full amount of the funds it previously set aside for payment of Dr. Zeizel's fees.

Respectfully submitted,

DOMINIC V. DiMODICA,

By his attorney,

/s/ Erin S. Martino

Erin S. Martino (BBO #6581007)

SEYFARTH SHAW LLP

World Trade Center East

Two Seaport Lane, Suite 300

Boston, MA 02210-2028

(617) 946-4800

Date: January 7, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper will be sent to those indicated as not registered participants as of January 7, 2008.

/s/ Erin S. Martino

# **EXHIBIT A**

**Paul D. Zeizel, Psy.D.**  
**1101 Beacon Street, Suite 8E**  
**Brookline, MA 02446**  
**(617) 731-4300**

September 11, 2007

Seyfarth & Shaw, LLP  
World Trade Center East  
Two Seaport Lane, Suite 300  
Boston, Mass 02210-2028

Attention: Attorney Jennifer A. Serafyn

9/06/07 – Team Meeting, re: Dominic DeModica  
Massachusetts Treatment Center - meeting with Attorney Jennifer Serafyn, Attorney Mark  
Gillis, Attorney Mary Murray, travel to/from the Massachusetts Treatment Center - 3.5 hours

8/26/07 - Preparation/writing of psychological treatment plan for developmentally disabled sex  
offenders – 3 hours

8/13/07 – Psychodiagnostic evaluation of Dominic DeModica, travel to/from Massachusetts  
Treatment Center – 3 hours

8/08/07 – Meeting at Seyfarth & Shaw with Attorney Jennifer Serafyn, Attorney Mary Murray,  
Attorney Mark Gillis (telephonically), travel to/from Boston – 2.5 hours

4/07/07 – Psychodiagnostic evaluation, travel to/from Massachusetts Treatment Center, review  
of records, writing/preparation of initial report – 7 hours

**Total Hours:** 19 hours @ \$200/hour

**Total Due:** \$3,800.00

**Thank You**